

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

FEB 26 2002

Attorney Docket No. 019934-001710US

First Inventor Schall, Thomas J

Title IMUNNOLOGIC ACTIVITIES OF RHESUS CYTOMEGALOVIRUS ENCODED IL-10 AND HUMAN CYTOMEGALOVIRUS ENCODED IL-10

Express Mail Label No. EL387639415US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning design patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages 57]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C.113) [Total Sheets 14]
5. Oath or Declaration [Total Pages 1]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63 (d))

(for a continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76

ADDRESS TOAssistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper number of pages
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATIONS PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 C.F.R. §3.73(b)Statement Power of Attorney (when there is an assignee)
11. English Translation Document (if applicable)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
17. Other:

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP)

of prior application No. _____ / _____

Prior application information: Examiner _____

Group Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

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Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Rosemarie L. Celli	Registration No. (Attorney/Agent)	42,397
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Signature	Rosemarie L. Celli	Date	July 30, 2001
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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.
PA 3160302 v1

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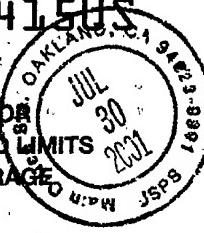
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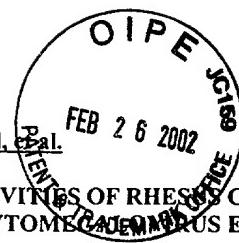
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TO: (PLEASE PRINT) PHONE: _____ BOX PATENT APPLICATION Commissioner for Patents Washington D.C. 20231



EXHIBIT 4

APPLICANTS: Thomas J. Schall, et al.



TITLE: IMMUNOLOGIC ACTIVITIES OF RHESUS CYTOMEGALOVIRUS ENCODED
IL-10 AND HUMAN CYTOMEGALOVIRUS ENCODED IL-10

Application No.: Unassigned

Filed: July 30, 2001

Kindly stamp the date received to acknowledge receipt of the below-identified documents and return to addressee.

- 1) Utility Transmittal Form (PTO/SB/05) (1 page);
- 2) Fee Transmittal (PTO/SB/17) (1 page, in duplicate);
- 3) Title Page (1 page);
- 4) Specification (49 pages);
- 5) Claims (6 pages);
- 6) Abstract (1 pages);
- 7) Drawings (14 sheets);
- 8) ADS (3 pages); and,
- 9) Return Receipt Postcard.

Date Mailed: July 30, 2001 Via Express Mail Label: EL387639415US
R1C:wca Attorney Docket No.: 019934-001710US PA 3160351 v1

APPLICANTS: Thomas J. Schall, et al.

TITLE: IMMUNOLOGIC ACTIVITIES OF RHESUS CYTOMEGALOVIRUS ENCODED
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- 9) Return Receipt Postcard.

J1002 U.S. PTO

09/919224



07/30/01

Date Mailed: July 30, 2001 Via Express Mail Label: EL387639415US
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/919,224	07/30/2001	Thomas J. Schall	019934-001710US

20350
TOWNSEND AND TOWNSEND AND CREW
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834



CONFIRMATION NO. 5559
FORMALITIES LETTER



OC000000006562540

Date Mailed: 09/17/2001

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

The required items noted below SHOULD be filed along with any items required above. The filing date of this nonprovisional application will be the date of receipt of the items required above.

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

A copy of this notice MUST be returned with the reply.

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EXHIBIT 1

PART 2 - COPY TO BE RETURNED WITH RESPONSE